

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED  
Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

STATE OF MONTANA,

Respondent,

v.

JEFFERY JOHN LOUT,

Petitioner.

OCT 08 2008

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
ORDER

Jeffery John Lout (Lout) has filed a motion to disqualify judge(s), need for a change of venue or for supervisory control. In his motion, Lout alleges that he has raised the issue of Judge Langton's violating the Canons of Judicial Ethics through disregard for the laws of the State of Montana, thus "making Langton impartial." Lout does not however, specify what evidence he has discovered showing Judge Langton's impartiality nor has he demonstrated how the unspecified violation of the Canons of Judicial Ethics would render Judge Langton impartial in Lout's case.

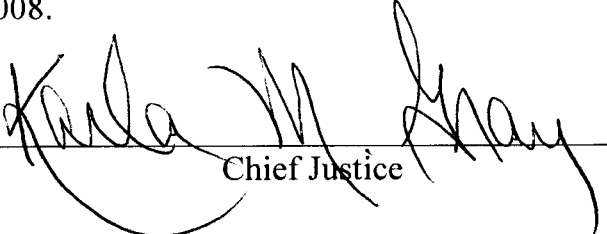
Lout's motion and affidavit do not allege facts showing personal bias or prejudice. Pursuant to section 3-1-805(1)(c) MCA, a motion for disqualification of a district judge for cause which "does not allege facts showing personal bias or prejudice may be set aside as void."

Accordingly, IT IS HEREBY ORDERED THAT:

1. Lout's motion to disqualify Judge Langton or for an order changing venue is hereby set aside as VOID.

2. The Clerk is directed to mail a true copy of this order to Lout at his last known address, the Honorable Jeffrey H. Langton and the Clerk of the District Court of Hamilton, Montana, in Ravalli County, Cause No. DC-02-79.

DATED this 8th day of October, 2008.

  
Chief Justice

W. William Leight  
John Warner

Brian Mori  
Justices